

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration and withdrawal of the rejections of the application in view of the above amendments and following remarks, which place the application into condition for allowance.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-14 are pending in the application. Claims 7-9 and 14 have been withdrawn from consideration by the Examiner and claims 1-6 and 10-13 are rejected in the Office Action mailed April 27, 2006. By this Amendment, claims 1, 2, 7, 8 and 12-14 are amended. No new subject matter is added as a result of the claim amendments.

II. CLAIM OBJECTIONS AND THE REJECTIONS UNDER 35 U.S.C. § 112

In numbered paragraph 1 of the Office Action, claims 7-9 and 14 are objected to as being in improper multiple dependent form. In response, claim 7 has been amended to depend from a single claim (claim 6) and claims 8 and 14 have been amended to depend from claim 1, which is not a multiple dependent claim. Because there are no longer any multiple dependent claims in the application, Applicants respectfully request that the claim objections be withdrawn and that the claims be considered on the merits.

In numbered paragraph 3 of the Office Action, claims 1-6 and 10-13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner alleges the indefiniteness in claim 1 arises from the use of the phrase "on the other hand." In response, the phrase "on the other hand" has been deleted from claim 1. In addition, the Examiner alleges that claims 12 and 13 are indefinite because it is unclear if the claimed "frame" is the same as the "frame" in claim 1 or if it is an additional one. In response, claims 12 and 13 are amended to recite "the frame" instead of "a frame" to clarify that the "frame" in claim 1 and the "frame" in claims 12 and 13 are

the same. Lastly, the Examiner states that there is insufficient antecedent basis for the limitation "the rigid core" in claims 12 and 13. In response, claim 12 has been amended to replace "the rigid core" with "a rigid core." In view of the above claim amendments, Applicants respectfully request that the § 112 rejections be withdrawn.

III. THE REJECTIONS UNDER 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a)

In paragraph 5 of the Office Action, claims 1-6, 10-11 and 13 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,457,265 to Lepage et al. ("Lepage"). In addition, in paragraph 6 of the Office Action, claim 12 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lepage in view of U.S. Patent Application Publication No. 2001/0018805 to Basso ("Basso"). The rejections are traversed for at least the following reasons.

As recited in revised independent claim 1, the instant invention is directed to a sports boot for a board for gliding comprising, *inter alia*, "reinforcement means [that] are at least partly formed by at least one frame (13) in synthetic material internally reinforced with mineral or synthetic fibers and positioned at least partially between said parts." (Emphasis added). The frame (13) is formed from a rigid strip of synthetic material that is reinforced with mineral or synthetic fibers that are woven and embedded in a matrix of polyurethane. *Instant Application*, page 4, lines 3-7. Consequently, the mineral or synthetic reinforcing fibers are internally placed within the synthetic material.

In the instant application, Figure 2 depicts the frame 13 prior to its combination with the rigid core 1. The frame is formed by heat molding the reinforced matrix and then arranged in the mold of the rigid core before this core is injection-molded. *See id.* at page 4, lines 9-13. Therefore, in the instant invention, the frame 13 is formed separately from the rigid core 1.

In paragraph 5 of the Office Action, the Examiner asserts that Lepage discloses reinforcement means that "are at least partly formed by at least one frame in synthetic material reinforced with mineral or synthetic fibers positioned at least partially between said parts." Applicants respectfully disagree that Lepage discloses such features. As discussed above, in the instant invention, the frame 13 is formed separately from and then combined with the rigid core during the molding process. In addition, the frame's reinforcing fibers are positioned internally within the frame in the matrix material.

In contrast, the reinforcement means in Lepage that the Examiner cites (elements 3-10 in the figures) are all integral with the rigid core 2. That is, none of the reinforcement means are formed separately from the rigid core and then combined with the rigid core during the molding process to form the structure as is the case with the frame 13 in the instant invention. Furthermore, Lepage does not disclose that any of the reinforcement structures are heat-molded. Consequently, Lepage fails to disclose a structure similar to the frame 13 of the instant invention.

In addition, the Examiner asserts that col. 3, line 58 to col. 4, line 5 of Lepage discloses that the reinforcement means are reinforced with mineral or synthetic fibers. Again, Applicants respectfully disagree. The reinforcement means in the instant invention, which includes the internal fiber reinforcement, is the rigid strip or frame 13. Furthermore, the reinforcing fibers in the instant invention are all internal to the frame 13. That is, they are contained within the frame's matrix material. The portions of Lepage that the Examiner relies upon (col. 3, lines 58-67), disclose vibration damping elements having a rigid stressed part that the Examiner seems to equate to reinforcement. These vibration damping elements are attached externally to the reinforcement means; they are not the reinforcing means. Furthermore, as presently understood

by Applicants, the vibration damping elements are not mineral or synthetic fibers. Consequently, the reinforcing means in Lepage are not reinforced with internal mineral or synthetic fibers.

Accordingly, Applicants believe that none of the Lepage reinforcement means are equivalent to the rigid strip or frame 13 of the instant invention and that Lepage fails to disclose the use of internally positioned mineral or synthetic fibers to reinforce the rigid strip 13.

Applicants respectfully submit that in order for a Section 102 rejection to stand, the prior art reference must contain all of the elements of the claimed invention. *See Lewmar Marine Inc. v. Barient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987). Applying the law to the instant facts, the sections of Lepage relied upon by the Examiner in the Office Action do not provide for a rigid strip or frame 13 or "for at least one frame (13) in synthetic material internally reinforced with mineral or synthetic fibers." (Emphasis added). Consequently, the Section 102(e) rejections must fail as a matter of law.

For at least the foregoing reasons, Applicants respectfully submit that revised independent claim 1 patentably distinguishes over Lepage and Basso, either alone or in combination because the relied upon portions of the cited references fail to teach each and every limitation of revised claim 1. Therefore, claim 1 is allowable. Further, claims 2-14, which depend from claim 1, are allowable therewith.

The Examiner has made of record, but not applied, several documents. The Applicants appreciate the Examiner's implicit finding that these documents, whether considered alone or in combination with others, do not render the claims of the present invention unpatentable.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner

specifically indicate those portions of the respective reference providing the basis for a contrary view.

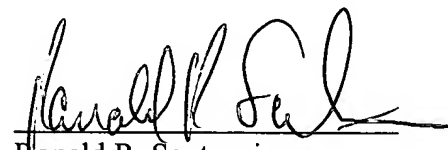
CONCLUSION

In view of the foregoing, Applicants believe that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:


Ronald R. Santucci
Reg. No. 28,988
(212) 588-0800